

**Law Enforcement Consolidation Task Force
Civilianization Committee**

Law Enforcement Consolidation Task Force Civilianization Committee

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EXECUTIVE SUMMARY

The Law Enforcement Consolidation Task Force Civilianization Committee has given serious consideration of civilianization of certain sworn law enforcement positions within State Law Enforcement. Civilianization, or the use of non-sworn personnel within a law enforcement agency, is a growing nationwide trend to address ever tightening budgetary constraints and the need to increase the number of sworn officers on the front lines. The practices of other agencies, including some state agencies suggests that the civilianization of positions may have a positive impact on the State's law enforcement efficiency.

Consider the following examples. The Florida Highway Patrol (FHP) observed that the Division's Chief of Staff did not inherently require a sworn status. The primary duties of the position included management of the Division's budget and personnel systems as well as oversight of the Accreditation and Policy Section, the Strategic Planning Office, and the Fleet/Property Office. In light of these observations, the position was civilianized and the Division reclassified one Deputy Director's position to a trooper position. The Division of Alcoholic Beverages and Tobacco (ABT) previously had two sworn officers responsible for a myriad of duties including uniform crime report management, sealing records, representing the division at the fusion center, field training coordinator, property management, military liaison and several other functions. Both positions were reclassified from Lieutenant to Law Enforcement Investigator II, or front-line officers. With these changes FHP and ABT were able to increase the number of front-line officers assisting the public.

For the past decade there has been an increasing trend of civilianization. Motivating factors impacting this trend include:

- Increasing cost of law enforcement services delivery and the need to reduce costs;
- An emphasis on increased effectiveness and efficiency in management; and
- A need to increase the number of sworn officers available for front-line duties.

Despite the increasing role of non-sworn personnel within law enforcement agencies, there are a number of challenges affecting the ability of agencies to best utilize the unique skills sets provided by specially trained non-sworn personnel. Organizational resistance to change, opposition from law enforcement officers and the need for law enforcement expertise and experience are among the challenges we must overcome to successfully integrate non-sworn personnel. However, in hiring non-sworn personnel for these duties, studies such as those completed for the Maryland State Police (Office of Legislative Audits Maryland General Assembly, 2004) and the North Carolina Highway Patrol (Price Waterhouse, 1991) have found that non-sworn personnel possess special skills which meet the job requirement and they generally stay longer, since the job is within their field of study or training. However, civilianization does not necessarily come with a cost savings.

The committee identified specific administrative and support positions currently filled by sworn law enforcement officers that could be civilianized. The areas identified are accreditation, background investigations, evidence custodian, fleet/property management, and training coordinator. Civilianizing these functions would allow the officers to perform law enforcement related activities. In most state agencies these jobs or job tasks (many are part time duties) are performed by personnel holding a

middle management lieutenant or captain rank. It is important to note that within the smaller state agencies many of the functions identified were performed on a part time basis by several different officers, who were primarily charged with investigative duties, various specialty functions and commonly hold a supervisory or management rank. Of greater importance is the fact that state agencies are unable to create new non-sworn positions without legislative support and approval. Accordingly, to increase state law enforcement resources available for front-line law enforcement duties, if non-sworn positions cannot be moved internally, law enforcement executives should pursue the additional non-sworn personnel positions as noted in this report.

BACKGROUND

There are numerous positions filled by sworn law enforcement personnel throughout the various state agencies that could be transferred to non-sworn personnel. The purpose for converting these positions would be to move the sworn positions to front-line assignments, thus increasing law enforcement coverage throughout the state.

Following a review of various state agencies and their manner of conducting business using sworn and non-sworn personnel we examined a variety of prospective alternatives for improving law enforcement services to the public through the civilianization of certain identified functions.

Our objective was to assess the adequacy of state law enforcement processes for increasing workforce civilianization by identifying administrative and support positions within the respective agencies performed by sworn officers that non-sworn personnel could potentially perform, freeing the sworn officer to perform law enforcement job tasks. We examined the following agencies: Attorney General's Office, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco (ABT), Department of Agriculture and Consumer Services, Office of Agricultural Law Enforcement (Ag. Law), Florida Department of Law Enforcement (FDLE), Florida Wildlife Conservation Commission (FWC), Lottery and the Florida Highway Patrol (FHP).

We reviewed applicable state laws and regulations as well as departmental policies and procedures. We interviewed personnel at the respective agencies and reviewed the organizational structures with one another and with local Police Departments and Sheriff's Offices.

Due to the staffing allocation and specialization with which some of our State law enforcement agencies are charged our research led to the identification of job tasks or functions within the various agencies which possessed the greatest potential to or impact from civilianization.

While identifying positions we asked three key questions to determine suitability of civilianization:

1. Are arrest powers necessary to perform this function?
2. Does the person need to carry a weapon to perform this function?
3. Does the Criminal Justice Standards Training Commission require a sworn person to perform this function?

EFFICIENCY OPPORTUNITIES

While several of the positions may occasionally involve activities requiring the capabilities of a law enforcement officer, such capabilities are not required to discharge the essential or primary duties of the position. The following functions all answer these questions in the negative:

- Accreditation Manager;
- Background Investigator;
- Fleet/Property Manager;
- Evidence Custodian/Technician;
- Training Coordinator; and
- Regulatory Investigators.

Although each of our state agencies perform a specific set of tasks guided by statute, individualized missions, goals and objectives, all duties generally fall within three categories: law enforcement, investigative functions and regulatory functions. Law enforcement duties include safeguarding the lives and safety of the public, protecting property and the environment, detecting and preventing crime, apprehending criminals, maintaining the safe and orderly flow of traffic, responding to emergencies, and cooperating with other federal, state, and local law enforcement agencies. Investigative duties include fraud investigations, criminal investigations, intelligence gathering and internal complaints against personnel. Regulatory duties include administering laws relating to beverage and tobacco sales, agriculture, and motor carrier regulations enforcement.

The larger agencies, such as FHP and FWC perform all three functions, while the smaller agencies function solely as investigative or regulatory agencies that make physical arrests on a limited basis. We should note that all state law enforcement agencies are responsible for Florida's emergency response to disasters as part of Emergency Response Function (ESF) 16.

While many law enforcement agencies have historically performed enforcement and investigative functions they haven't always performed regulatory functions. Generally regulatory agencies are responsible for ensuring that the controlled industry and/or the public are conforming to established rules, specifications, policies, standards or laws. If there are no criminal implications for rule violations, is it necessary for law enforcement officers to serve in a regulatory capacity or would non-sworn personnel perform equally as well? Some agencies such as the Department of Business and Professional Regulation currently use non-sworn investigators to regulate the restaurant industry, while at the same time use sworn law enforcement to regulate the alcohol and tobacco industry.

Each agency has added job functions for their respective managers and officers as there are no defined formal criteria for determining whether a position should be classified in a manner that only a sworn law enforcement officer could fill the position requirements. As a result, the positions listed above are filled by law enforcement officers or non-sworn personnel at the discretion of the agency. While some agencies have civilianized these positions and some are planning to do so, others have not identified the need or plan to take such action.

The following chart shows the number of personnel in state law enforcement which we have identified for consideration of civilianization. It is important to note that although personnel are assigned to a

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specific function, as managers they often dedicate portions of time to different administrative activities. We identified 38 specific administrative and support positions currently filled by sworn middle managers that could be civilianized. However, if those sworn personnel were redeployed to law enforcement activities, the agencies could incur additional salary costs to hire 38 non-sworn personnel. In the case where the sworn employee performs several job tasks on a part time basis there is potential to create less non-sworn personnel positions to perform the duties.

	Accreditation Manager		Background Investigation		Evidence Technician		Fleet and or Property Manager		Training Coordinators	
	Sworn	Non-Sworn	Sworn	Non-Sworn	Sworn	Non-Sworn	Sworn	Non-Sworn	Sworn	Non-Sworn
Attorney General	0	0	as needed	0	0	0	0	1	0	1
ABT	0	1	as needed	1 @ 50%	28@5%	0	1@35% 1@60%	0	1@50%	1@45%
Ag Law	1@50%	1@ 50%	0	1	0	0	0	1	1	1
FDLE	1@50%	1@25%	0	0	0	0	0	0	2	1.5
FWC	1	1	as needed*	0	17@15-25%	2@15-25%	1	1@15%	14**	0
Lottery	0	0	0	3	N/A	N/A	0	0	1 @ 5%	1
FHP	2@ 50%	4 @ 50%	7	3 FTE/ 9 OPS	0	10	2	8	12	7

*Background Investigations: FWC does not have any positions dedicated entirely to background investigations. Those type investigations are performed on an “as needed” basis by Investigators in the field depending on recruitment for the FWC Academy, or hiring for other positions requiring background information.

**Training Coordinators: The FWC does not have a dedicated “Training Coordinator.” The 14 positions in the FWC Training Staff serve multiple functions. One of those functions is that of a coordinator, but the vast majority of their time is spent administering training in the field or at the Academy for a recruit class, or in-service training.

Additionally, we identified 45 law enforcement middle managers performing evidence custodian functions on a part time basis. Transitioning this function to non-sworn personnel would reduce the time spent on this function for sworn middle management personnel and would increase the number of sworn personnel in the field. While we don’t specifically recommend eliminating these personnel and hiring non-sworn personnel, we do recommend the state consider the feasibility of consolidating state law enforcement evidence rooms and then redeploying personnel based upon job task analysis and the location of the evidence rooms.

ACCREDITATION MANAGER

The FHP and FDLE hold a National Law Enforcement Accreditation under the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA). FDLE, FWC, DEP, Ag. Law, ABT and FHP are all accredited through the Commission of Florida Law Enforcement Accreditation (CFA). The method of managing the Accreditation Section varies widely from agency to agency. While some agencies have an Accreditation Section with full time middle management sworn officers serving as the program managers; others have middle management sworn officers serving as accreditation managers on a part time basis while also performing other part time duties such as fleet manager, training officer, etc. All of the Accreditation Sections also utilize non-sworn administrative support in the office. The use of the support personnel varies widely, yet most non-sworn personnel, like the sworn officers, only dedicate a portion of their time to Accreditation related tasks.

Approximately 1/3 of Florida's law enforcement agencies with CFA accreditation have a non-sworn employee as the accreditation manager. The FHP recently transitioned to a non-sworn accreditation manager, and the committee recommends other agencies follow suit and take steps to transition this function to non-sworn personnel.

Although a law enforcement background is beneficial, this position requires extensive knowledge of accreditation procedures and agency policies, and does not inherently require a sworn officer.

BACKGROUND INVESTIGATIONS

This area of investigations for new hires is performed in a variety of forms. Most agencies use their existing investigative staff to perform background investigations on all new hires. This may be feasible in a small agency that hires only certified law enforcement personnel with a progressive work history, but becomes problematic for an agency like the FHP with a large contingent of sworn personnel. FHP has restructured its Background Investigations Section (BGI) and is beginning to transfer a portion of this function to non-sworn personnel. While the FHP is working in a hybrid format with some sworn and some non-sworn personnel, we found that several police departments in Florida, such as the Tallahassee Police Department operate with non-sworn investigators and a sworn supervisor.

Although this position requires extensive knowledge of background investigation procedures, agency procedures and extreme confidentiality it does not necessarily require a sworn person to complete the task.

FLEET/PROPERTY MANAGEMENT

The fleet service functions are handled differently within each of the state agencies. Some agencies do not have a specific work unit to conduct such services while others have a specific work unit that focuses on fleet services, including purchasing vehicles, equipment, installing specified equipment, the sale of used agency vehicles, etc. In those agencies where a specific work unit provides fleet services there is no standard regarding the use of sworn and non-sworn personnel. Most agencies use non-sworn personnel to accomplish the majority of the tasks required to maintain some level of fleet services.

Agencies such as FWC and FHP that do employ sworn personnel to provide fleet services tend to use middle management personnel in a managing capacity although fleet management is only a part time function. This is due, in part, to the various specialized patrol vehicles and/or vessels found within some of the agencies and to provide for a more direct link to field operations and their specific needs. None of the agencies indicated that sworn personnel provided all of the fleet services capabilities. It appears that agency size and the size of the fleet services work unit may be a contributing factor.

Fleet services management and fleet services work in general does not inherently require sworn status. Some of the positions may occasionally involve activities requiring the capabilities of a law enforcement officer; however such capabilities are not needed to perform core duties of the position. The FHP does have a plan to eliminate sworn personnel in their fleet services section, through attrition within the next five years. Decision makers should also take into consideration the recommendations of the Law Enforcement Consolidation Task Force Fleet Management Team Report.

EVIDENCE CUSTODIAN

Each agency currently uses sworn personnel to maintain their evidence custodian function, with the exception of FDLE, which utilizes a sworn middle management position as an overall supervisor of their crime labs and evidence facilities. For the remainder of the agencies the evidence custodian function is a part-time duty for the middle manager, which is added to their regular management duties. Last year, FHP transitioned to non-sworn personnel to perform this function. This was accomplished, in part, through the consolidation of the job to cover an entire troop and multiple evidence rooms within the troop. Through the civilianization of the evidence custodian function, FHP reclassified 10 middle management positions to front-line trooper positions. Although other state agencies do not dedicate as many resources to the evidence custodian function, some gains may be realized by combining this task with other tasks performed by non-sworn personnel.

While reviewing this position the committee discussed the feasibility of consolidating all state law enforcement evidence functions and storage. This could potentially be accomplished through warehouse facilities regionally located throughout the state. The responsible non-sworn evidence custodian could pick-up and drop off evidence on an as needed basis using temporary storage facilities located in each law enforcement station. This concept is still being evaluated by the team.

TRAINING COORDINATOR

The committee reviewed in-service training and the corresponding records maintenance function associated with the sworn officer training records. Currently, all of the state agencies use a combination of sworn and non-sworn personnel to provide training to their sworn personnel. There is also a move toward distance learning or on-line training courses as budgets and travel are restricted. All agencies use sworn personnel to conduct training and retraining in the high liability areas (first responder, defensive tactics, firearms, and vehicle operations) on a part time basis.

We recommend that agencies move toward civilianization of training coordinators who do not provide training, but instead schedule officers for training, locate training opportunities, maintain records or files and report the officers' training to FDLE as required. We also recommend that agencies move toward

on-line training systems or partner with agencies that have existing systems that already feed into FDLE's on-line training systems.

Another training issue brought to our attention is the training that law enforcement officers provide to the public, within their respective industries, i.e. trucking, alcohol, or tobacco. While the agencies currently use sworn law enforcement officers to provide this training we recommend the agencies pursue the use of non-sworn personnel to represent the agency and provide the training. The ABT is responsible for vendor training to store clerks, servers and other employees at bars, restaurants, theme parks, stadiums and retail establishment. They are currently exploring the reclassification of these positions from sworn to non-sworn positions.

Additionally, our state agencies use a combination of methods to acquire other training and the mandatory classes required to retain their law enforcement certifications. However state agencies rarely train together even when they are located within the same jurisdiction. While some high liability areas could be taught in a cross agency setting, some may not easily lend themselves to this type of training; we believe further inquiry into this area should take place.

REGULATORY INVESTIGATORS

While many law enforcement agencies have historically performed enforcement and investigative functions they haven't always performed regulatory functions. Generally regulatory agencies are responsible for ensuring that the controlled industry and/or the public are conforming to the established rules, specifications, policies, standards or laws. If there are not criminal implications for rule violations, is it necessary for law enforcement officers to serve in a regulatory capacity or would non-sworn personnel perform equally as well? Some agencies such as the Department of Business and Professional Regulation currently use non-sworn investigators to regulate the restaurant industry, while at the same time use sworn law enforcement to regulate the alcohol and tobacco industry. Ag Law enforcement also performs regulatory functions at the highway inspection stations. At the stations they will inspect vehicles, shipping documents and inspection certificates. Ag Law uses sworn officers to conduct inspections at the State Agricultural inspection stations while in contrast, the Florida Department of Transportation uses non-sworn personnel to staff their weight inspection stations.

Additionally, we reviewed the Lottery Division of Security. The primary function of the law enforcement division is to investigate problem claims which include stolen or altered tickets or tickets with questionable ownership. While the work of the Lottery Division of Security is quite specialized primarily toward identifying the rightful owner of lottery tickets and document fraud, the lack of arrests indicates that a majority of the investigations are civil in nature and resolved without arrest, either by not paying the claim or administrative sanctions against a problematic retailer.

The state may gain efficiencies by transitioning all or part of some regulatory investigative duties currently performed by sworn personnel to non-sworn personnel. Ag Law, DBPR and Lottery have indicated they have ongoing plans to reorganize and civilianize positions. The Law Enforcement Consolidation Task Force will continue to research this topic for additional opportunities and in aid of agencies in transition.

CONSOLIDATION OPPORTUNITIES

All of the agencies maintain their own evidence rooms and employ at least 45 sworn personnel to oversee the evidence, its movement, and its disposal at the end of a case. These are all time consuming processes for sworn officers and this function can be transitioned to non-sworn personnel, as evidenced by other state agencies implementing this practice. Of additional interest is the number of evidence facilities within state law enforcement. Almost every agency has an evidence storage facility or evidence room at each of their field offices. This creates a presumably large number of evidence facilities, all of which require strict security to maintain the integrity of the evidence and its chain of custody, in addition to the personnel required to process evidence in and out of the facility for duplication, court presentation, lab analysis, or disposal. A regional facility, geographically located within each of FDLE's regions or FHP Troops to warehouse evidence is an area of law enforcement that could conceivably be consolidated. The initial set up and leasing could become a costly proposition; however this would consolidate the function for better tracking, storage and integrity. Additionally it would address the storage of large, bulky items, vehicles, or perhaps servers for electronic information.

This committee was also asked to review the potential consolidation of dispatch functions for all state law enforcement under one agency. Currently FHP dispatches for all state agencies except for the FWC which maintains its own dispatchers. While the Task Force is considering the consolidation of DEP into the FWC the issue was raised as to whether DEP dispatch would remain under the consolidated format or would the duty officers transition with DEP so FWC could dispatch for their new personnel. The team discussed the idea and its implications and this issue is being explored as part of the Environmental Team's charter.

RECOMMENDATIONS

It is important to note that most police departments throughout the United States who have taken steps to civilianize have not reported significant cost reductions (Major Cities Chiefs and the Federal Bureau of Investigation, 2009). In some circumstances the agency reported a cost increase because a non-sworn employee was hired to replace an officer's position reallocated to the field. The increase in front line patrol could ultimately result in a payroll increase unless the sworn position was reclassified. State agencies do not possess the ability to create or add non-sworn positions, without legislative and other executive support and approval. Should the State of Florida wish to pursue the civilianization of personnel as noted in this report, the support of the appropriate authorities is necessary to gain the personnel positions.

After careful consideration and study of best practices we recommend the Law Enforcement Consolidation Task Force direct each state law enforcement agency to continually reevaluate civilianization opportunities to ensure law enforcement officers are dedicated to law enforcement activities. Specifically the committee recommends the Task Force look further into the implications of replacing sworn personnel conducting regulatory functions with non-sworn personnel, especially in areas where enforcement deals primarily with civil penalties. We recommend the Task Force and the ABT designate additional study and follow-up to the use of non-sworn personnel to conduct regulatory

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functions within their organization. Additionally we recommend the Task Force and Ag Law continue to review the integration of non-sworn inspectors at selected inspection stations.

The committee also recommends that the Lottery's Division of Security continue to work with the Task Force to determine efficiencies which may include transitioning the division to either utilizing non-sworn investigators and/or consolidate the investigative function it into another state agency.

The committee at the recommendation of the Task Force is forming a subcommittee to study the feasibility of consolidating all state law enforcement agencies' evidence functions and facilities in regional locations and utilize non-sworn personnel to pick-up, deliver, or transfer evidence and maintain the facilities.

The recommendations we provided are comparable with those of other law enforcement agencies throughout the nation. Although some agencies have taken steps toward civilianization, room for improvement remains. Specifically, we believe it is possible to civilianize several administrative and support positions currently performed by sworn law enforcement officers. We also recommend that should the agency or the Task Force desire to civilianize the recommended positions, that this is accomplished through attrition as much as possible.